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U.S. Department
of Transportation

**Federal Railroad
Administration**

Office of the Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

DEC 12 1995

PR Docket No. 92-235
EX PARTE PRESENTATION

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DEC 15 1995

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Chairman Hundt:

The Federal Railroad Administration (FRA) is concerned that the Federal Communications Commission's proposal in PR Docket No. 92-235 to consolidate the Private Land Mobile Radio (PLMR) services may result in the elimination of the Railroad Radio Service and thereby jeopardize public safety.

FRA is responsible for the administration and enforcement of Federal railroad safety laws and regulations. Each day, operations relying on railroad radio involve millions of passengers, millions of tons of freight (including freight being moved in support of the Armed Forces), and significant quantities of hazardous materials in all areas of the Nation. As highlighted in FRA's July 1994 Report to Congress entitled, "Railroad Communications and Train Control," the railroad industry depends on voice and data radio communications to perform critical safety functions. A copy of that report is enclosed for your reference.

FRA has a significant interest in the Commission's action because FRA believes that elimination of the Railroad Radio Service would lead to unsafe railroad operating conditions and increased accidents to the detriment of the general public, railroad passengers, shippers, and railroad employees.

Eliminating the Railroad Radio Service would ignore the unique characteristics of railroad radio usage and the industry's unique requirement for control over its own frequencies, and poses a serious threat to public safety. Eliminating the railroad industry's exclusive control over its allotted frequencies and allowing non-railroad users easy access to railroad frequencies would result in increased interference from both co-channel and adjacent channel users. This creates a serious public safety concern.

The railroads rely on their sophisticated radio network to control train movements; for dispatching, safety monitoring, remote defect detection and for a multitude of other safety-related purposes. In this regard, the railroads' radio use is quite similar to the Federal Aviation Administration's air traffic control system. For both users, having constant access to clear

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channels and avoiding conflicting transmissions that can lead to confusion or operational error is imperative. The risk of a lost, jammed or obscured radio transmission is simply not acceptable because the consequences can be disastrous. Unfortunately, if the Commission eliminates the Railroad Radio Service, this requirement for ready access will become impossible to satisfy.

For the past four decades, the U.S. railroad industry has been able to optimize radio use and to minimize harmful interference by performing the frequency coordination function for itself through the Association of American Railroads (AAR), which serves as the FCC-certified frequency coordinator for all channels in the Railroad Radio Service. AAR has also ably coordinated the needs of Railroad Radio Service users other than freight railroads, such as commuter rail operators and the urban rail transit industry. This coordination function allows the industry to preserve the nationwide interoperability that is critical to railroad safety and is a unique requirement among the PLMR users. The need for nationwide interoperability arises from the track and equipment-sharing arrangements among and between the various railroads. Thus, for example, the radio equipment aboard an Amtrak locomotive must communicate with Norfolk Southern dispatchers when on Norfolk Southern track and with Union Pacific dispatchers when on Union Pacific track.

If the Railroad Radio Service is eliminated and non-railroad users are interleaved on railroad frequencies, it will be impossible to preserve nationwide interoperability, and the increased operational complexity of the resulting plan will have an immediate adverse impact on safety. Both the railroad industry and the FRA are presently sponsoring the development and deployment of prototype communication-based positive train control systems. The development and deployment of such systems is on the "most wanted list" of technology improvements being sought by the National Transportation Safety Board. Significant levels of public and private investment have already been committed to this effort. Within the next two years, FRA expects communications-based train control systems to be operational in the States of Washington, Oregon, Michigan, and Illinois. Uncertainty as to the availability of spectrum or circumstances which threaten the availability of spectrum risk the abandonment of future investment in these train control development efforts.

An additional impact of eliminating the Railroad Radio Service would be increased contention for access to each channel as well as the need for the equipment on each train to operate on many more frequencies than at present. This would increase the complexity of designing and operating railroad radio equipment, which again will have a direct, negative impact on safety. Communications equipment that is complicated to operate leads to misunderstandings and mistakes, which are catastrophic in railroad operations where freight trains weighing thousands of tons move at speeds up to 79 mph and passenger trains are regularly scheduled at speeds as high as 125 mph. These trains take over one mile to stop.

The Commission's consolidation proposal will endanger safety by compromising the very tools the railroad industry relies on to preserve safety. It will result in increased interference to critical railroad communications and will add to the complexity of the railroad radio equipment. The continued authorization of the Railroad Radio Service is imperative.

Sincerely,

Jolene M. Molitoris
Administrator

Enclosure

cc: Mr. Edwin L. Harper